

SIKKIM GOVERNMENT



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FINANCE, REVENUE AND EXPENDITURE DEPARTMENT
GOVERNMENT OF SIKKIM
TASHILING, GANGTOK

No: 337/FIN/DSSL/ 963

Date : 30th March, 2010

NOTIFICATION

In exercise of the powers conferred by section 23 of the Sikkim On-line Gaming (Regulation) Act, 2008 (23 of 2008), the State Government hereby makes the following rules further to amend the Sikkim

On-line Gaming (Regulation) Rules, 2009, namely :-

- (1) These rules may be called the Sikkim On-line Gaming (Regulation) Amendment Rules, 2010.
(2) They shall come into force on the date of their publication in the Official Gazette.
- In the Sikkim On-line Gaming (Regulation) Rules, 2009 (hereinafter referred to as the said rules), in clause (g) of rule 2, for the word "timing", the word "time being" shall be substituted;
- In the said rules, for the existing sub-rule (1) of rule 5, the following sub-rule shall be substituted, namely :-

"Issue of licence for On-line games and the sports games :- (1) On receipt of an application under rule 4, the Government shall examine the application and after making such inquiry as it considers necessary, may grant a provisional licence in Form-2 on payment of a fee of one lakh rupees to enable the licensee to set up the necessary infrastructure and other requirements so as to be in a position to commence operation of on-line games and the sports games and thereafter, on the satisfaction of the Government that the applicant is fully ready to commence operations of online gaming and sports gaming activity and has complied with the stipulations prescribed in the said provisional licence and such other terms and conditions prescribed in the Act and Rules, the Government may grant a regular licence for operation of on-line games and sports games in Form-2A for five years on payment of a fee of five lakh rupees. "

4. In the said rules, in sub-rule (2) of rule 8, the existing clauses (g), (h) and (i) shall be renumbered as (a), (b) and (c) respectively ;
5. In the said rules, in sub-rule (1) of rule 10, for the word and figure "rule 8", the word and figure "rule 9" shall be substituted.
6. In the said rules, in rule 11, for the words and figures "rules 8 or 9", the words and figures "rules 9 or 10" shall be substituted.
7. In the said rules, in sub-rule (2) of rule 12, for the word and figure "rule 5", the word and figure "rule 6" shall be substituted.
8. In the said rules, in Form 1, in the fourth paragraph, for the word and figure "rule 5", the word and figure "rule 6" shall be substituted.
9. In the said rules, in Form 3, in the heading, for the words, figures and brackets "(See sub-rule (2) of rule 5)", the words, figures and brackets "(See sub-rule (2) of rule 6)" shall be substituted.
10. In the said rules, in the Schedule :-
 - (a) in the heading, for the words, figures and brackets "(See sub-rule (1) of rule 8)", the words, figures and brackets "(See sub-rule (1) of rule 9)" shall be substituted ;
 - (b) in paragraph 1 ;
 - (i) the existing clauses (c), (d), (e) and (f) shall be renumbered as (a), (b), (c) and (d) respectively ;
 - (ii) in the existing clause (c), the word "or" shall be deleted ;
 - (iii) in the existing clause (d), for the word "Commissioners", the word "Government" shall be substituted.
 - (c) in paragraph 4, for the words "and the return of the player" the words "and the return to the player" shall be substituted.
11. In the said rules, the existing Form 2 shall be renumbered as Form 2A and in the heading, for the words "Form of Licensee", the words "Form of Licence" shall be substituted.

12. In the said rules, a new Form numbered as Form 2 shall be inserted as under, namely :-

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Form 2

(See sub-rule (1) of rule 5)

Form of Provisional Licence for On-Line Games and Sports Games

Licence No.....

Date.....

This Licence is granted to Shri/Messrs

.....(Name of the Company As Above)

for enabling the conduct of On-Line Games and Sports Games specified under Rule 3 of the Sikkim Online Gaming (Regulation) Rules, 2009 on the following terms and conditions :-

1. The provisional licence is issued for the specific purpose of enabling the applicant company to set up and establish the entire requisite infrastructure and other components necessary for actual commencement of online gaming and sports gaming activity.
2. The provisional licence does not confer any right to the licensee to commence its online gaming and sports gaming unless and until all the requirements stipulated by the State Government are fulfilled and the regular licence is issued by the Government.
3. The Licensee shall operate On-Line Games and Sports Games from Sikkim only.
4. The Licensee shall commence actual online gaming and sports gaming operations, i.e., 'go live' within 120 days.
5. The licensee should make available only the games specified under rule 3 of the Sikkim Online Gaming (Regulation) Rules, 2009. If the licensee intends to include new games, prior approval of the Government must be obtained.
6. The Licensee shall allow any Officer authorized by the Government to inspect the setup process or inspect premises from where the On-Line games are to be operated.
7. The Provisional licence is valid for 120 days from the date of issue and immediately on the licensee intimating in writing to the Government that it is ready to commence actual online gaming and sports gaming operations, i.e., 'go live' and on such determination by the State Government that the applicant licensee has complied with the stipulations prescribed hereinabove and such other terms and conditions prescribed in the Act and Rules, the licensee may be granted a regular license for a period of five years on payment of fees of five lakhs rupees as provided under the Rules.
8. The Licensee shall pay to the Government a sum of one lakh rupees as Provisional License fee through a Bank Draft in favour of the Director, Sikkim State Lotteries, and submit the same before issue of the said licence.

Certified that the licensee has paid Rs.1 lakh (Rupees one lakh) only as fee for issuance of this provisional license vide Bank Draft No..... dated.....

9. This license is liable to be cancelled if the licensee violates any of the above terms and conditions and the provisions of the Sikkim On-Line Gaming (Regulation) Act, 2008 and the rules made thereunder.

Date.....

Place.....

Seal.....

Signature of Authorized Officer.”

R. Ongmu, IAS
Principal Secretary,
Finance, Revenue & Expenditure Department

